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SUBJECT: DIPNOTE REGARDING NON-RESIDENT ORGAN TRANSPLANT RECIPIENTS

11. (U) Colombia's Ministry of Foreign Affairs delivered a diplomatic note dated December 16 outlining Colombia's regulations regarding organ transplants for non-resident foreigners.

12. (U) BEGIN UNOFFICIAL TRANSLATION OF DIPLOMATIC NOTE:

DAM/CAE No. 68221

The Ministry of Foreign Affairs- Directorate for Multilateral Economic, Social and Environmental Issues cordially salutes the Honorable Embassy of the United States of America and references the issue of organ transplants for foreign recipients not residing in Colombia.

At the request of the National Health Institute (INS), in compliance with commitments before the Iberoamerican Network/Council of Donation and Transplants, particularly those contained in the Mar del Plata Declaration (2005), to which Colombia subscribed and, which recommends implementing strong measures to combat "International Transplant Tourism", which is understood as the "relocation of recipients and/or donors to other countries with the purpose of accessing an organ donation and/or transplant in exchange for economic compensation and/or violating local regulations for "organs assignation", this Ministry avails itself of the opportunity to inform the following:

According to article 40 in Decree 2493 of 2004, the provision of transplant services to non-resident foreigners was regulated per the following: "the provision of organ transplant or tissue implant services to non-resident foreigners in the national territory will be authorized as long as there are no nationals or resident foreigners in Colombia registered as recipients on the regional and national waiting lists, taking into account the unified technical-scientific criteria for assigning and selecting, and requiring a previous contract by the institution with the recipient or the entity that will assume the cost of the care."

In this regard, and in accordance with current internal norms for the transplant of organs to patients who are non-resident foreigners in Colombia, it is necessary that the following three conditions be met; otherwise it would constitute an illegal practice:

11. The non-existence of national or resident foreigners in Colombia

registered as recipients on the regional and national waiting lists.

12. The unified technical- scientific criteria for assignment.

13. Prior contract between the institution and the recipient or the entity that will assume the cost of care.

We thank you for taking into account the aforementioned recommendations and informing your Government and Health authority of this matter, as a part of the united efforts that WHO member-countries such as Colombia have made to condemn practices that take place outside of the legal framework.

It is important to note that Colombia is a country that takes pride in honoring its international commitments and that it uses humanitarian criterion when presented with potential agreements between States, in order to exercise greater control over organ transplants for recipients that are non-resident foreigners in Colombia, taking into account the Mar del Plata (2005) and Bogota (2009) Declarations that state that "transplant tourism must be distinguished from transplant treatments for foreigners when they are carried out within the framework of regional or bilateral agreements between States".

The aforementioned agreements' purpose is to create systems that guarantee the normalization, transparency and responsibility of the donation and transplant process, taking into account that organ trafficking and transplant tourism violate the principles of equality, justice and respect for human dignity, as proclaimed in the Istanbul Declaration (2008).

The Ministry of Foreign Affairs- Directorate for Multilateral Economic, Social and Environmental Issues avails itself of this opportunity to renew to the Honorable Embassy of the United States of America the assurances of its highest consideration.

Bogotá, D.C., December 16, 2009

END TEXT OF DIPLOMATIC NOTE.
BROWNFIELD